

## Message Text

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ACTION EB-07

INFO OCT-01 NEA-10 ISO-00 L-03 LOC-01 COME-00 CU-02 IO-10

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R 311255Z JUL 75

FM AMEMBASSY NEW DELHI  
TO SECSTATE WASHDC 318

LIMITED OFFICIAL USE NEW DELHI 10310

EO 11652: NA

TAGS: EIND, IN

SUBJ: COPYRIGHT - INDIAN RATIFICATION OF 1971 TEXT OF UCC

REF: STATE 177513

1. WE DISCUSSED INFORMALLY WITH TWO OFFICIALS OF THE MINISTRY OF EDUCATION WHETHER THE GOI PROPOSES TO ADHERE TO THE 1971 TEXT OF THE UNIVERSAL COPYRIGHT CONVENTION (UCC). THE MOE OFFICIALS POINTED OUT THAT THE INSTRUMENT OF RATIFICATION REGARDING THE PARIS ACT (1971) OF THE BERNE COPYRIGHT CONVENTION (BCC), DEPOSITED BY INDIA ON OCTOBER 7, 1974 WITH THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) WAS CONDITIONAL, IN THAT INDIA ACCORDED RATIFICATION TO ONLY THE ADMINISTRATIVE PROVISIONS OF THE CONVENTION.

THE INSTRUMENT OF RATIFICATION READS BEGIN QUOTE THE RATIFICATION SHALL NOT APPLY TO ARTICLES 1 TO 21 AND THE APPENDIX UNQUOTE.

2. MOE OFFICIALS SAID THAT THE QUESTION OF ACCORDING SIMILAR RATIFICATION TO THE 1971 TEXT OF THE UCC (PARA 3 OF REFTEL) DID NOT ARISE AS THE UCC DID NOT HAVE ADMINISTRATIVE PROVISION SIMILAR TO THOSE EMBODIED IN THE PARIS ACT OF THE BCC. FOR THE OFFICIAL STATEMENT OF INDIA'S DECLARATION OF RATIFICATION OF THE BCC AND THE CONDITIONS OF THAT RATIFICATION, THE DEPARTMENT MAY WISH TO REFER TO BERNE NOTIFICATION NO.59 OF OCTOBER 10, 1974, A COPY OF WHICH SHOULD BE AVAILABLE IN THE US COPY-RIGHT OFFICE.

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3. MOE OFFICIALS STATED THE INDIAN DELEGATION TO THE WIPO

MEETING

IN SEPTEMBER 1974 HAD INDICATED THAT THE GOI HAD MADE A FIRM POLICY DECISION TO ALSO ACCORD FORMAL RATIFICATION TO THE SUBSTANTIVE PROVISIONS OF THE BCC IN DUE COURSE. ACTION IN THIS REGARD, HOWEVER, IS BEING HELD UP BECAUSE OF THE PRESENT STATE OF EMERGENCY. NEITHER OFFICIAL COULD PROVIDE ANY INDICATION OF WHEN THE GOI INTENDS TO PROCEED WITH THE RATIFICATION.

4. IN ANSWER TO OUR QUERIES ABOUT POSSIBLE RATIFICATION OF THE UCC, BOTH OFFICIALS WERE EVASIVE IN THEIR REPLIES AND SAID THAT NO SERIOUS THOUGHT HAS BEEN GIVEN TO THIS MATTER BY THE GOI AND THE MINISTRY OF EDUCATION TO DATE. OVEY EXPRESSED THE THOUGHT THAT INDIA WILL FIRST RATIFY THE SUBSTANTIVE PROVISIONS OF THE BCC AND ONLY LATER TAKE UP THE QUESTION OF RATIFYING THE UCC. THEY, HOWEVER, INDICATED THAT PRESENT THINKING WITHIN GOI WAS TO MAINTAIN THE CURRENT STATUS QUO FOR SOME MORE TIME AND TO EXERCISE THE VARIOUS OPTIONS OPEN ONLY AFTER A FULL ASSESSMENT HAS BEEN MADE OF THE LONG-TERM ADVANTAGES AND DISADVANTAGES TO INDIA OF ADHERENCE TO THE TWO CONVENTIONS.

5. NO RECENT CHANGES HAVE BEEN MADE IN THE EXISTING INDIAN COPYRIGHT LAW TO REFLECT THE CONDITIONAL INDIAN ADHERENCE TO THE 1971 TEXT OF THE BERNE CONVENTION.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY RATIFICATION, TREATY COMPLIANCE, COPYRIGHTS  
**Control Number:** n/a  
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**Draft Date:** 31 JUL 1975  
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